

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD CEKORIC,)	
Plaintiff,)	
)	
v.)	
)	
CLOPAY BUILDING PRODUCTS)	
COMPANY, INC.,)	
Defendant and Third-Party)	Civil Action No. 05-24
Plaintiff,)	
)	
v.)	
)	
RANDALL F. LAURICH,)	
individually and t/d/b/a LAURICH)	
GARAGE DOORS,)	
Third-Party Defendant.)	

MEMORANDUM ORDER

On August 23, 2006, this case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules of the United States District Court for the Western District of Pennsylvania.

On November 1, 2006, the magistrate judge filed a Report and Recommendation (Docket No. 42), recommending that the motion for summary judgment filed by the defendant, Clopay Building Products Co., Inc. (Docket No. 28) be denied and that the motion for summary judgment filed by the third-party defendant, Randall F. Laurich, individually and t/d/b/a/ Laurich Garage Doors (Docket No. 24) be denied.

The defendant and the third-party defendant filed objections (Docket Nos. 43, 44). On January 10, 2007, the Court entered an order adopting the Report and Recommendation except

with respect to the issue raised in the third-party defendant's objections relating to the denial of summary judgment for the sole liability claim. That issue was remanded to the magistrate judge for reconsideration.

On January 11, 2007, the magistrate judge filed a second Report and Recommendation (Docket No. 50), in which he recommended that the third-party defendant's motion for summary judgement should be granted with respect to the claim based on sole liability.

Service of the Report and Recommendation was made on the parties, and no objections have been filed.

AND NOW, this 21st day of February, 2007,

IT IS ORDERED that the third-party defendant's motion for summary judgment (Docket No. 24) is granted with respect to the claim based on sole liability and denied in all other respects.

_____ Magistrate Judge Mitchell's Report and Recommendation dated January 11, 2007 (Docket No. 50) is adopted as the opinion of the Court.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge